

REMARKS

Claims 1-29, 31-35, 41-42 and 44-50 are pending and claims 23, 26, 29, 31, 33, 35, 41, 42 and 44 are withdrawn.

Applicant notes that the Final Office Action of April 3, 2009 was withdrawn by the Office Communication of September 23, 2009. Therefore, applicant's reply and amendment of June 2, 2009 has also been withdrawn. Applicant has attempted to contact the Examiner to confirm this withdrawal but has received no response. Applicant submits this response to clarify the record and to submit the attached Declaration. Accordingly, no new matter has been introduced.

Applicant respectfully requests reconsideration in view of the following remarks.

In view of the withdrawal of the Final Office Action of April 3, 2009, Applicant hereby withdraws the amendment filed June 2, 2009 in response to that Final Office Action because technically there is nothing for Applicant to have responded to. The listing of claims submitted herein is identical to the listing of claims submitted December 8, 2008. Applicant asserts that the status of the case is now identical to the status as of December 8, 2008 with Applicant awaiting a response to its filing of December 8, 2008.

To further the prosecution, Applicant submits herewith a Declaration from Dr. Rick Wetsel. Dr. Wetsel is the corresponding author of the Drouin et al. reference cited in the 35 U.S.C. § 103 rejection in the Office Action mailed October 6, 2008 to which Applicant responded on December 8, 2008. The Declaration is provided to clear up a possible misreading of the Drouin et al. publication by setting forth Dr. Wetsel's interpretation of certain language within the publication. Specifically, Dr. Wetsel indicates that only C3aR was shown to be upregulated on bronchial smooth muscle in the OVA-induced asthma model and not C5aR.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Please charge any fees or credit any overpayments to our Deposit Account No. 18-1945 from which the undersigned is authorized to draw, under order no. ALXN-P01-102.

Dated: December 2, 2009

Respectfully submitted,

By 

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